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FISCAL IMPACT STATEMENT

LS 6045

BILL NUMBER: SB 389

NOTE PREPARED: Nov 17, 2008

BILL AMENDED:

SUBJECT: Traffic Infraction Detection Systems.

FIRST AUTHOR: Sen. Rogers

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill:

- (1) Establishes the traffic infraction detection system pilot program, which allows a municipality to install a traffic infraction detection system (a device that produces still photographs of a vehicle that proceeds through a red light) at highway intersections under the jurisdiction of the municipality;
- (2) Requires a local authority to receive authorization from the Department of Transportation (INDOT) before installing traffic infraction detection systems;
- (3) Requires dismissal of a citation based on a traffic infraction detection system that does not comply with installation, maintenance, or operational requirements;
- (4) Prohibits a violation based on a report from a traffic infraction detection system from being used to determine insurance rates;
- (5) Requires that the civil penalty imposed for a violation based on a report from a traffic infraction detection system be applied to defray the cost of the system, and that remaining funds be deposited in the Violent Crime Victims Compensation Fund;
- (6) Provides that the INDOT may authorize not more than ten municipalities to participate in the pilot program;
- (7) Requires the INDOT to submit a report analyzing the program to the Legislative Council before December 31, 2012;
- (8) Requires that a yellow light have a duration of at least five seconds;
- (9) Makes conforming changes; and
- (10) Repeals a superseded definition.

Effective Date: July 1, 2009.

Explanation of State Expenditures: The bill allows up to ten municipalities statewide to participate in a pilot program . The Indiana Department of Transportation will receive and review applications for the new program in the same manner as with other state/local programs. The INDOT is to submit a report analyzing the program to the Legislative Council in an electronic format. This will require staff time to compile; however, this provision is expected to be implemented within the INDOT's existing level of resources. The fund affected is the state Highway Fund.

Explanation of State Revenues: The bill requires that civil penalties imposed for violations based on reports from traffic infraction detection systems be applied to defray the costs of the system, and that remaining funds be deposited in the Violent Crime Victims Compensation Fund, which is used to provide financial assistance for victims of violent crime.

Explanation of Local Expenditures: (1) The fiscal impact of establishing a traffic infraction detection system pilot program which allows a municipality to install a traffic infraction detection system will depend upon the type of system implemented and the extent to which the local unit is required to purchase and maintain equipment, along with the anticipated revenue stream.

Local units will be responsible for submission of an annual report to the INDOT, requiring, among other things, data on accidents and traffic violations for each intersection at which the municipality installs an automated traffic law enforcement system, and any other information requested by INDOT. In addition, the bill requires local authorities to install advance warning signs along the roadway proceeding to the intersection at which an automated camera is installed. The cost for the signs will depend upon the number of signs needed. The cost for one sign is estimated to be about \$105.

Explanation of Local Revenues: The bill provides that a municipality's ordinance: (A) may not impose a civil penalty greater than \$100 and (B) may be enforced through a local ordinance violation bureau or an infraction and ordinance violation enforcement proceeding. The bill also allows the ordinance to provide for a warning notice instead of imposing a civil penalty. The bill requires that the civil penalty imposed for a violation based on a report from a traffic infraction detection system be applied to defray the cost of the system, and that remaining funds be deposited in the Violent Crime Victims Compensation Fund. Local revenue will depend upon the design and implementation of the specific programs and ordinances and will vary by locality.

Background Information: "Automated traffic law enforcement system" means a device that has one or more motor vehicle sensors working in conjunction with a traffic control signal that exhibits a steady red light or an illuminated flashing red light and that is capable of producing a photographically recorded image of a motor vehicle's rear license plate as the vehicle proceeds through an intersection.

The City of New York has a program which utilizes cameras to record violations of motorists proceeding through the intersection, contrary to the requirement to stop at a red light. This type of program is commonly referred to as a "Red Light Running program." In this program, the City of New York has contracted with Electronic Data Systems (EDS) who supplies and maintains the system. For this, EDS receives a portion of each fine assessed from the Red Light Running program. The City of New York receives the balance. Potential costs include the red light camera and sensors. Camera costs likely will range between \$50,000 and \$100,000, depending upon the type of camera. The Federal Highway Administration (FHWA) estimates that the installation and sensors cost about \$5,000. According to INDOT, there are camera companies who will lease red light cameras as well as sell them.

State Agencies Affected: INDOT; Criminal Justice Institute as administrators of the Violent Crime Victims Compensation Fund.

Local Agencies Affected: Those units which apply for and receive authorization from INDOT to participate in the pilot program and adopt the ordinance.

Information Sources: John R. Di Lavore, Director, Red Light Camera Study Program, City of New York, 718-786-2233; Federal Highway Administration Web page; Ryan Gallagher, INDOT Division of Traffic Control Systems, 317-232-5545.

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